



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 15, 2016

CBCA 5111

UNION REFORESTERS,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Jorge E. Acevedo, Owner of Union Reforesters, Redding, CA, appearing for Appellant.

Marnie G. Ganotis, Office of the General Counsel, Department of Agriculture, San Francisco, CA, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

Under a contract with the United States Forest Service, an entity within the Department of Agriculture, Union Reforesters applied herbicide to vegetation growing near young trees in the Eldorado National Forest in California. Union Reforesters claimed that in addition to the contract price, it was entitled to payment in the amount of \$218,618.65 to cover "Cost Overruns, Indirect Labor, Change in Work Sites and Work Stoppages due to excessive winds, additional Labor Costs due to protecting trees while spraying, extra costs in the use of herbicides and added and necessary equipment to perform the work on this Contract." The contracting officer denied the claim, and the contractor appealed his decision.

As a result of mediation with Board Judge Kathleen J. O'Rourke, the parties have resolved their dispute and asked the Board to dismiss the appeal with prejudice.

Accordingly, the appeal is **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge